

Remarks

Reconsideration of the rejections is respectfully requested.

Claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37 and 41-43 were rejected in the above-identified final Office Action. In response, Applicants have amended claims 1, 13, and 32. Claims 41-43 have been cancelled. No new matter has been added. Accordingly, claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-37 remain pending.

Claim Rejections - 35 USC §102

On page 7 item 2 of the above-identified Office Action, the Examiner rejected claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37 and 41-43 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,240,555 issued to *Shoff et al.* (hereinafter "Shoff").

While Applicants respectfully disagree with these rejections, claims 1, 13, and 32 have been amended (without prejudice) in the interest of furthering prosecution of the pending claims. Applicants respectfully submit that the cancellation of claims 41-43 renders the rejections of those claims moot.

Applicants deeply appreciate the Examiner's detailed response to previous arguments. Applicants have amended claim 1 to recite ". . . at least one **time** value within the duration of the video content program, the time value identifying a portion of subsidiary data as being associated with and to be displayed during a time segment of the primary content data. . ." Support for this amendment may be found e.g., on pg 14, l. 20-24; pg. 15 l. 1-2 and 12-22; pg 16, l. 1-11; Fig. 1 and Fig. 2. Applicants acknowledge (without conceding) the Examiner's interpretation of video frame numbers as 'tag values' that could indicate timing information; however, Applicants respectfully submit that the video frame numbers of Shoff cannot be interpreted as a "**time** value" as is now recited in amended claim 1.

In addition, Applicants have amended claim 1 to recite ". . . the primary data being transmitted separately from the subsidiary data. . . ." Support for this amendment may be found e.g., on pg 6, l. 10-12 and Fig. 1.

Shoff teaches that, where the primary data and the subsidiary data are transmitted separately, the digital data is received from the target resource that is activated by the browser (col. 10, l. 24-28). This digital data is then deconstructed to extract the 'timing information' (e.g. frame numbers). In other words, Shoff teaches that, where primary and subsidiary data are transmitted separately, the 'timing information' *is not transmitted with the primary data*.

Therefore, Shoff's 'timing information' also cannot be a "time value" as recited in amended claim 1, because amended claim 1 recites "receiving primary content data at a set-top system from an external source, the primary content data encoding a video content program and including at least one time value . . . and the primary data being transmitted separately from the subsidiary data . . ." The timing information of Shoff is not included with the video content where the video content and supplemental data are transmitted separately, so Shoff cannot teach this recitation.

Thus, Shoff fails to disclose, expressly or inherently, in as complete detail as is claimed, the recitations of amended claim 1. Accordingly, for at least the above reasons, Applicants respectfully submit that amended claim 1 is patentable over Shoff under §102.

Amended claims 13 and 32 recite similar language to that of amended claim 1, directed to an article and a system of claim 1, respectively. Thus, claims 13 and 32 are patentable over Shoff for at least the same reasons as claim 1.

Claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 depend from amended claims 1, 13, and 32, incorporating their recitations. Accordingly, claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 are patentable over Shoff for at least the same reasons. Applicants respectfully request reconsideration of all rejections.

Conclusion

In view of the foregoing, reconsideration and allowance of all pending claims is respectfully solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: June 1, 2009 by: /Jo Ann Schmidt/
Jo Ann Schmidt
Reg. No.: 62,255

SCHWABE, WILLIAMSON & WYATT, P.C.
U.S. Bank Centre
1420 5th, Suite 3010
Seattle, Washington 98101
Telephone: 206-622-1711